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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

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6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 v.

9 145 EAST RENO, UNITS E2 AND E7,
10 LAS VEGAS, NEVADA, 89119, *et al.*,

11 Defendants.

12 2:04-cv-00545-JCM-LRL

ORDER

13 Before the court are the government's Motions to Strike the Verified Statements of Interest of
14 Quail Air Center Hangar Owners Association and Johnny A. Ribeiro Jr. Family Trust ("claimants")
15 (#18, 19). The claimants filed a joint Opposition (#27), to which the government filed a Reply (#28).

16 Johnny Ribeiro Builder, LLC was personally served at two different locations on August 31,
17 2006 and September 1, 2006. *See* Notice of Filing Return on Service of Process (#17) at 3, 4. The
18 entity was served by mail on September 5, 2006. *See Id.* at 5, 6. Fed. R. Civ. P. Supp. Rule C(6)(i)(A)
19 provides that a verified statement of interest must be filed within thirty days of the earlier of the date
20 of service of the government's Complaint or completed publication of notice. Although not explicit,
21 the Rule advocates for a response based on the date of the earliest service. Thus, the statements of
22 interest must have been filed within thirty days of August 31, 2006.

23 The claimants filed Statements of Interest on September 12, 2006. *See* Statements of Interest
24 (#15, 16). The government then filed the instant Motions claiming that the Statements "should be
25 stricken because [they] failed to identify the [claimant]'s interest, if any, in the defendant property."

1 Mots. (#18, 19) at 3. The claimants filed Amended Statements of Interest (##25, 26) addressing the
2 government's concerns. The claimants argue that the Amended Statements of Interest were filed timely.
3 Alternatively, they argue that the court should grant leave to file amended verified statements of interest
4 after the deadline.

5 The Statements of Interest, on their face, do not "allege such a personal stake in the outcome of
6 the controversy as to warrant [the claimant's] invocation of federal court jurisdiction . . ." *United*
7 *States v. One 1985 Cadillac Seville*, 866 F.2d 1142, 1148 (9th Cir. 1989) (citing *Warth v. Seldin*, 422
8 U.S. 490, 498 (1975)). Claimants argue that their Amended Statements of Interest were filed timely
9 so such a deficiency is moot. However, as discussed above, they should have been filed within thirty
10 days of August 31, 2006; they were filed on September 6, 2006. Therefore, the Amended Statements
11 were untimely filed. Thus, the court will turn to the question of whether to extend the deadline for
12 filing such amended statements of interest.

13 The court has discretion to extend the time for the filing of a claim. *See United States v. 1982*
14 *Yukon Delta Houseboat*, 774 F.2d 1432 (9th Cir. 1982); Fed. R. Civ. P. Supp. Rule C(6)(a)(i)(B). "The
15 purpose of the time limit is to force claimants to come forward as soon as possible after forfeiture
16 proceedings have been initiated so that all interested parties can be heard and the dispute resolved
17 without delay." The government had discussions with claimants' counsel as early as April, 2006. A
18 complete copy of the Trust's loan file was transmitted to the government on May 1, 2006. *See*
19 Declaration of Fred F. "Pete" Gibson III (#27-2) at 2. Thus, the claimants "came forward" before they
20 were served with the Complaint. Of course, these facts also weigh against permitting a late filing as
21 the claimants were aware of the proceeding, and had notice they would have to file a timely verified
22 claim when served. *See 1982 Yukon Delta Houseboat*, 774 F.2d at 1436.

23 "However, where a claimant has made known to the court and the government his interest in
24 the subject property . . . the policy would not be injured by allowing the claimant to perfect his claim
25 by subsequent verification." *Id.* Moreover, the government would not be prejudiced if the court
26 allowed the Amended Statements to stand; the government already has numerous documents involving

1 the claimants' interests and formal discovery has just begun. Finally, the parties have continued their
2 discussions.

3 Accordingly and for good cause shown,

4 IT IS ORDERED that the United States' Motion to Strike Verified Statement of Interest of Quail
5 Air Center Hangar Owners Association (#18) is DENIED.

6 IT IS FURTHER ORDERED that United States' Motion to Strike Verified Statement of Interest
7 of the Johnny A. Ribeiro Jr. Family Trust (#19) is DENIED.

8 IT IS FURTHER ORDERED for the reasons set forth above that the First Amended Verified
9 Statement of Interest of Quail Air Center Hangar Owners Association (#25) and the First Amended
10 Verified Statement of Interest of the Johnny A. Ribeiro Jr. Family Trust (#26) will be deemed timely
11 filed.

12 DATED this 3rd day of November, 2006.

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15 **LAWRENCE R. LEAVITT**
16 **UNITED STATES MAGISTRATE JUDGE**

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